

**DANIEL JONES,** )  
 )  
 **Plaintiff,** ) **Civil Action No.** \_\_\_\_\_  
 )  
 ) **Judge** \_\_\_\_\_  
 **v.** )  
 ) **Magistrate** \_\_\_\_\_  
 **OLD DOMINION FREIGHT LINE, INC.,**)  
 )  
 **Defendant.** )

Defendant Old Dominion Freight Line, Inc., ("Defendant") hereby removes this action to this Court pursuant to 28 U.S.C. §§ 1332 and 1441, and, in support thereof, states as follows:

2. A copy of the Summons and Complaint are attached hereto as **Exhibits 1 and 2**. To date, these are the only pleadings in this lawsuit.

3. Based on the allegations in the Complaint, Plaintiff is a citizen of Rutherford County, Tennessee. (*See* Pls.' Compl. ¶ 1.1 attached hereto as Exhibit 1).

5. As such, diversity of citizenship exists.

6. Plaintiff's Complaint contemplates damages in excess of \$75,000.

7. Plaintiff seeks the following economic damages: “compensatory damages which will compensate him for loss of income and benefits and great emotional distress...reinstate[d] or in the alternate given front pay” (Compl. ¶ 4, attached hereto as Exhibit 1). By themselves, these alleged damages exceed \$75,000.

8. Plaintiff claims to have a “topped out salary of more than \$90,000 per year.” (Compl. ¶ 3.1 attached hereto as Exhibit 1). Plaintiff’s claimed annual compensation of \$90,000 equates to \$7,500 per month (i.e. \$90,000 divided by 12 months).

9. Plaintiff’s employment came to end on or around July 18, 2013. Upon information and belief, the statistic for the Middle District of Tennessee to demonstrate the average time from filing a case on this District to trial is 23.6 months. If that average held true here, trial would occur sometime in early September of 2015, roughly 26 months after Plaintiff’s employment ended (calculated from the Notice of Removal date). Based upon that timeframe, Plaintiff’s claim for back pay alone would be approximately \$195,000 (i.e. \$7,500 times 26 months).

10. The above figure (\$195,000), already well in excess of \$75,000, does not include Plaintiff’s claim for front pay, or for any other damages sought (e.g. emotional distress).

11. The plain language of the Complaint demonstrates that Plaintiff intends to seek damages in excess of the amount in controversy requirement. Plaintiff’s claims for back pay and front pay alone meet the \$75,000.01 threshold. In addition to these damages, Plaintiff seeks damages for “emotional distress.” Plaintiff’s Complaint thereby confirms that the amount in controversy requirement is met here.

### **III. Plaintiff’s Complaint Is Removable**

12. This action is a civil action of which this Court has original jurisdiction under 28

U.S.C. § 1332(a), because Plaintiff and Defendant are citizens of different states and the amount in controversy exceeds \$75,000. Therefore, Defendant is entitled to remove this action pursuant to 28 U.S.C. § 1441.

**IV. Removal Is Timely**

13. On August 26, 2013, Corporation Service Company (Defendant's Registered Agent) received copies of the Summons and Complaint, which are the only process, pleadings or orders served on Defendant in the instant action currently pending in the Circuit Court for Rutherford County, Tennessee, Case No. 66862.

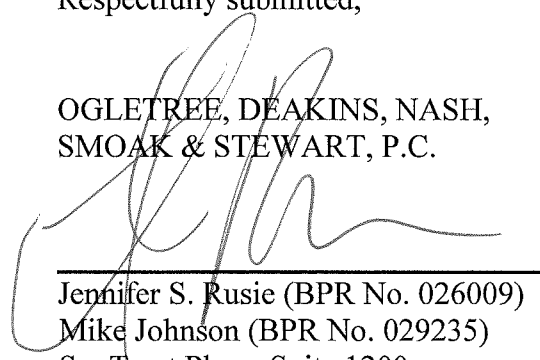
14. This Notice of Removal is being filed within thirty (30) days after Defendant's receipt of a copy of the Complaint and is timely filed under 28 U.S.C. § 1446(b).

WHEREFORE, Defendant Old Dominion Freight Line, Inc. removes this action from State Court to this Court.

Submitted: September 24, 2013

Respectfully submitted,

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.



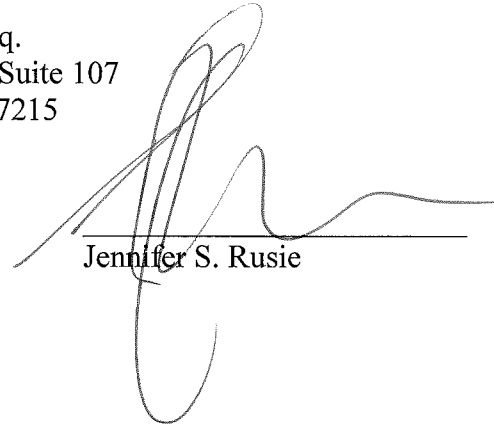
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### **CERTIFICATE OF SERVICE**

I certify that on September 24, 2013, a true and correct copy of the foregoing was served, via U.S. Mail, on counsel for the Plaintiff at the following address:

Phillip L. Davidson, Esq.  
2400 Crestmoor Road, Suite 107  
Nashville, Tennessee 37215



Jennifer S. Rusie